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FILED

No. 18-50428

JUL 17 2018

**In the United States Court of Appeals
for the Fifth Circuit**

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

JARROD STRINGER; BENJAMIN HERNANDEZ; JOHN WOODS,
Plaintiffs-Appellees,

v.

ROLANDO PABLOS, In His Official Capacity as the Texas Secretary
of State; STEVEN C. MCCRAW, In His Official Capacity as the
Director of the Texas Department of Public Safety,
Defendants-Appellants.

On Appeal from the United States District Court
for the Western District of Texas, San Antonio Division

**UNOPPOSED MOTION TO VIEW SEALED
PORTION OF THE RECORD**

5:16-cv-257-OLG

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CERTIFICATE OF INTERESTED PERSONS

No. 18-50428

JARROD STRINGER; BENJAMIN HERNANDEZ; JOHN WOODS,
Plaintiffs-Appellees,

v.

ROLANDO PABLOS, In His Official Capacity as the Texas Secretary of
State; STEVEN C. McCRAW, In His Official Capacity as the Director of
the Texas Department of Public Safety,
Defendants-Appellants.

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this Court may evaluate possible disqualification or recusal.

Defendants-Appellants:

- Rolando Pablos,¹ *in his official capacity as Texas Secretary of State*
- Steven C. McCraw, *in his official capacity as Director of the Texas Department of Public Safety*

Counsel for Defendants-Appellants:

Ken Paxton
Jeffrey C. Mateer
Scott A. Keller (lead counsel)
Matthew H. Frederick
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¹ Rolando Pablos succeeded Carlos H. Cascos as Texas's Secretary of State and was substituted by rule. *See* Fed. R. Civ. P. 25(d).

Plaintiffs-Appellees:

- Jarrod Stringer
- Benjamin Hernandez
- John Woods

Counsel for Plaintiffs-Appellees:

Peter A. Kraus
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The Texas Civil Rights Project

Former Plaintiff:

- Totysa Watkins

/s/ Scott A. Keller

SCOTT A. KELLER

Counsel of Record for Defendants-Appellants

Defendants-Appellants request that this Court direct the district court to release the sealed portions of the record on appeal to appellate counsel. As shown in the certificate of conference, this motion is unopposed.

1. The district court signed a final judgment and permanent injunction on May 18, 2018. Defendants filed their notice of appeal on May 21, 2018, the same day the final judgment was entered on the docket by the district court clerk.

2. The electronic record on appeal was filed with this Court on June 22, 2018. The sealed materials were not included in the electronic record on appeal.

3. The sealed portions of the record include evidence made part of Defendants' motion for summary judgment that will be relevant to Defendants' arguments on appeal. *See* Doc. No. 78. Defendants require access to the sealed portions of the record to aid in preparation of their brief and to ensure accurate citations.

CONCLUSION

The Court should grant the motion and order the district court clerk to release the sealed portions of the record on appeal to appellate counsel.

Respectfully submitted.

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Assistant Solicitor General

Counsel for Appellants

CERTIFICATE OF CONFERENCE

I certify that counsel for Defendants-Appellants conferenced with Charles Siegel counsel for Plaintiffs-Appellees by e-mail on July 13, 2018, and Plaintiffs-Appellees are not opposed to the relief requested.

/s/ Scott A. Keller
SCOTT A. KELLER

CERTIFICATE OF COMPLIANCE

This response complies with: (1) the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 181 words, excluding the parts exempted by Rule 27(a)(2)(B); and (2) the typeface and type style requirements of Rule 27(d)(1)(E) because it has been prepared in a proportionally spaced typeface (14-point Equity) using Microsoft Word (the program used for the word count).

/s/ Scott A. Keller

SCOTT A. KELLER

CERTIFICATE OF SERVICE

On July 16, 2018, this motion was served via CM/ECF on all registered counsel and transmitted to the Clerk of the Court. Counsel further certifies that: (1) any required privacy redactions have been made in compliance with Fifth Circuit Rule 25.2.13; (2) the electronic submission is an exact copy of the paper document in compliance with Fifth Circuit Rule 25.2.1; and (3) the document has been scanned with the most recent version of Symantec Endpoint Protection and is free of viruses.

/s/ Scott A. Keller

SCOTT A. KELLER